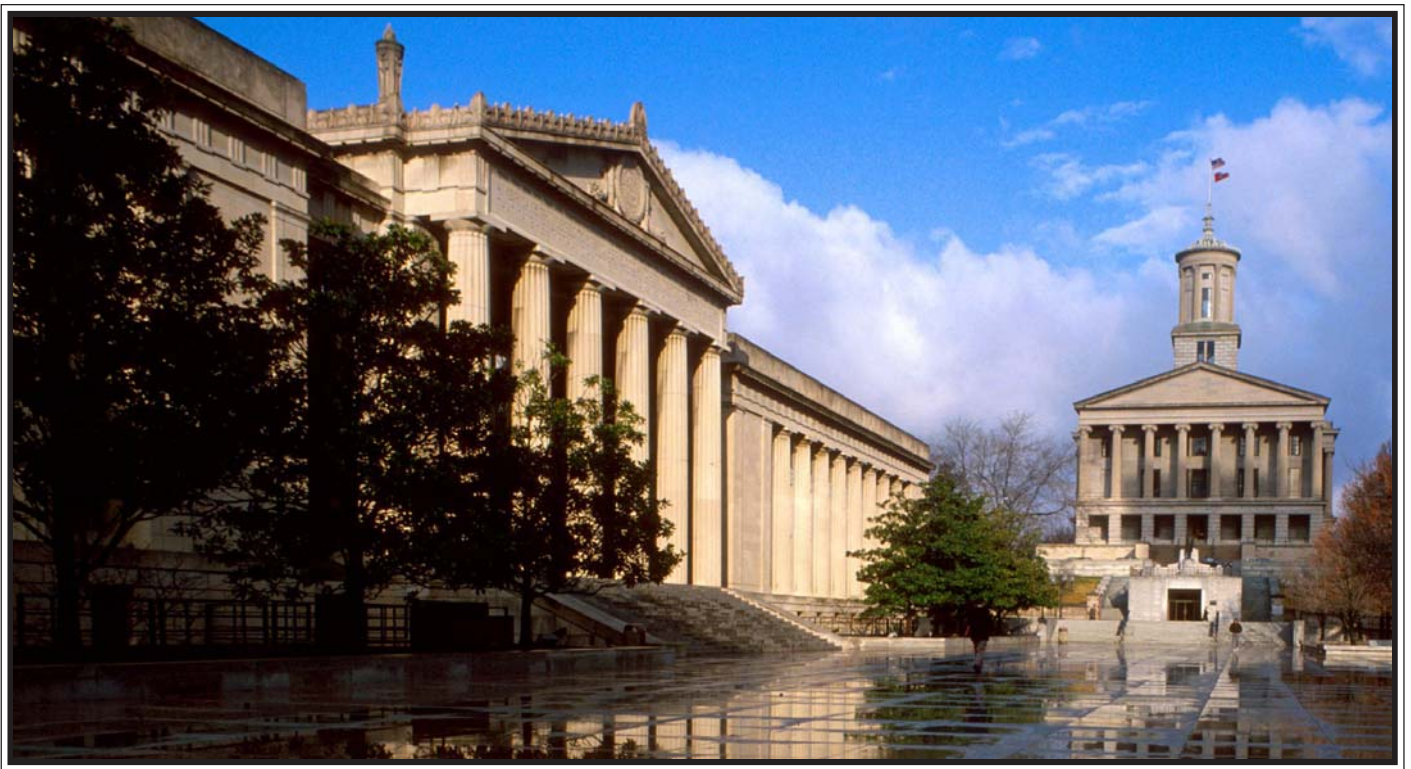


april 23, 2009

# THE RESEARCH REVIEW

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THE HOUSE RESEARCH DIVISION

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Members honored country music star Marty Stuart this week for his many years of success and his contributions to the musical culture of the southeast. Stuart, accompanied by his wife, country music great Connie Smith, was presented with House Joint Resolution 318 by its sponsor, Rep. Jimmy Eldridge.

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## THE FULL COMMITTEE

The **Agriculture Committee** met Tuesday to consider seven bills.

**HB 720 (Niceley)** was *referred to Calendar and Rules as amended*. This bill, as amended, deletes the original bill in its entirety. It does not prohibit the independent or partial owner of any hooved mammal from using the milk from such animal for the owner's personal consumption or other personal use.

**HJR 245 (Niceley)** was *referred to Calendar and Rules*. This joint resolution expresses opposition to federal legislation prohibiting the transporting and processing of horses and other equine. A copy of this resolution shall be transmitted to the President and the Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives and each member of the Tennessee Congressional Delegation.

The following bills were *referred to FWM as amended*:

**HB 113 (Bell)** eliminates requirements for the Department of Agriculture to license and regulate dog and cat dealers. It authorizes counties, municipalities, or metropolitan governments to license and regulate establishments that offer dogs, cats, and other pets for sale.

**HB 530 (Hackworth)** deletes the original bill in its entirety. The commissioner shall post notification at least fifteen days prior to the removal of a tobacco product manufacturer or brand family in the directory. The commissioner shall also transmit notification of such removal to any person who has provided an electronic mail address for the purpose of receiving the directory updates.

**HB 2098 (Towns)** was *deferred one week*.

**HB 413 (Bass)** was *deferred to last calendar*.

The following bills were taken off notice:

**HB 2359 (Curtiss)**

**HB 1361 (Niceley)**

## THE GENERAL SUBCOMMITTEE OF AGRICULTURE

The Gen Sub of Ag did not meet this week.



# children & family affairs

Amelia Mitchell

## THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Wednesday, April 22<sup>nd</sup> and considered the following legislation:

Referred to Calendar & Rules:

**HB 1679 by Rep. Maddox** expands the facilities where infants can be voluntarily delivered to include law enforcement, fire and emergency medical services facilities.

**HB 5 by Rep. Hardaway** as amended requires the court to set a presumptive date for terminating the child support obligation except when medical support or other fees may be due to support a disabled child, or to comply with a court order requiring support for a child through college.

Deferred one week:

**HB 677 by Rep. Cooper** as amended states a parent may not be suspended from visitation due to being unable to pay for a specified visit. Supervisors serving under a court order may seek monetary relief from the court. In cases in which the court has found specific cases of abuse, the parent causing supervised visits is responsible for the costs. The cost for the supervised visit shall not exceed the guidelines of the Administrative Office of the Courts. The cost for a facility for the visitation may not exceed \$40 per hour.

## FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday, April 21<sup>st</sup> and heard the following legislation:

Deferred one week, the final meeting:

**HB 362 by Rep. Dennis**

**HB 459 by Rep. McDonald**

**HB 829 by Rep. S. Jones**

**HB 2295 by Rep. S. Jones**

**HB 1134 by Rep. Hardaway**

## DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** met on Wednesday, April 22<sup>nd</sup> and the following legislation was sent to full committee:

**HB 686 by Rep. Richardson** as amended requires the department to provide services to children who are 18 years or older who choose to remain in the care of the department on a voluntary basis for the purposes of completing educational training or receiving other services.

**HB 637 by Rep. Maggart** as amended requires parties in a divorce to file certain documents with the court or with the mediator if the marital property includes real property owned during the marriage as the primary residence.

**HB 1997 by Rep. Moore and Rep. West** requires employers to report to department of human services certain identifying information regarding employment of subcontractors and independent contractors.

**HB 33 by Rep. Hardaway** as amended requires notice be given to a parent before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights.

**HB 332 by Rep. S. Jones** as amended requires that DCS give priority to reports of harm to a child by either investigating such report or completing an assessment of the child and family if this report of harm comes from a school teacher, school principal, school administrator, other school personnel, mental health professional, law enforcement official or health care provider.

**HB 1298 by Rep. S. Jones** as amended clarifies that agencies advertising to provide child-placing services in Tennessee are required to be licensed pursuant to Tennessee law.

**HB 1383 by Rep. S. Jones** as amended states that the Select Committee on Children and Youth shall study the effectiveness of the child protective services system in Tennessee. They shall develop recommendations for its improvement and are authorized to establish a study committee to help with this task.

**HB 1301 by Rep. S. Jones** adds residing with a parent who uses or has within 72 hours used certain drugs to the definition of abuse, and requires immediate removal of a child whose parent uses or has within 72 hours used certain drugs.



**HB 1629 by Rep. McCord** requires the department of children's services to provide certain post-adoption services that are listed in the bill. It also declares that the legislative intent is that this section be carried out subject to the availability of funds with which to do so.

**HB 327 by Rep. S. Jones** as amended redefines "foster care" and "foster parent" so that the definitions are consistent with the provisions regarding adoption and juvenile proceedings in the TCA. It also establishes that a child who has been placed in the care of a relative for a continuous 12 month period is considered dependent and neglected if the child will endure harm if removed from the home.

The following legislation was taken off notice:

**HB 330 by Rep. S. Jones**

**HB 322 by Rep. S. Jones**

The following legislation was deferred until 2010:

**HB 831 by Rep. S. Jones**



## commerce

Todd A. Staley, Esq.

### THE FULL COMMITTEE

The **Commerce Committee** met on Tuesday.

**HB 1517 (Curtiss)** requires petroleum suppliers to make unblended gas or diesel available to wholesalers so that the wholesaler may blend the gas or diesel with ethanol or other biological products. The committee heard additional testimony from the opponents of the legislation. Justin Pitt with the Tennessee Petroleum Council, told the committee about the impact of the bill on trademark laws. According to Mr. Pitt, the bill would adversely affect the trademark on branded fuels. In *Shell Oil v. Commercial Petroleum, Inc.*(1991), the U.S. Fourth Circuit Court held that a trademark holder has the right to maintain control over the quality of the product until it reaches the end user. The members also asked questions to Dan Moenter with Marathon Oil and Lisa Wheeler of Valero Refinery. Rep. Ferguson motioned for the bill to be placed in summer study. The motion was successfully tabled. Rep. Todd offered an amendment that would exempt the Valero Refinery from the bill. The committee ran out of time and will take up Rep. Todd's amendment next week.

*[rolled for one week]*

The following bills were *rolled for one week*:

**HB 1349 (Sargent)**

**HB 595 (Coleman)**

**HB 738 (Mumpower)**

**HB 472 (Cobb C)**

**HB 852 (Odom)**

**HB 1251 (Curtiss)**

**HB 1309 (Harmon)**

**HB 1423 (Todd)**

**HB 1518 (Fitzhugh)**

**HB 1520 (Sargent)**

**HB 1631 (Richardson)**

**HB 1632 (Richardson)**

### UTILITIES AND BANKING SUBCOMMITTEE

The **Utilities and Banking Subcommittee** met on Tuesday and moved two bills to the full committee.

**HB 792 (Bass)** requires private protective services licensees to register with local law enforcement agencies. The local law enforcement agencies are required to notify the commissioner of any violations by a license holder.

*[moved to full committee]*



**HB 2316 (Pitts)** places Tennessee in compliance with the federal Secured and Fair Enforcement Mortgage Licensing Act. The SAFE Act is designed to enhance consumer protection and reduce fraud by having states establish minimum standards for the licensing and registration of mortgage loan originators. The subcommittee heard from Commissioner Gonzales from the Department of Financial Institutions. An amendment was adopted that exempts manufactured housing retailers and adds the definition of a “loss mitigation specialist.”

*[moved to full committee]*

**HB 235 (DeBerry J)** would require creditors to conduct an in-person meeting with a debtor who is in default to explore options to avoid foreclosure. There was some discussion about putting in safeguards for lenders who make a good faith effort to work with a debtor. The bill was rolled to work on such an amendment.

*[rolled for one week]*

The following bills were *rolled for one week*:

**HB 49 (Gilmore)**  
**HB 57 (Hardaway)**  
**HB 1743 (Fitzhugh)**  
**HB 2231 (Fitzhugh)**  
**HB 1842 (Sargent)**  
**HB 2117 (Curtiss)**  
**HB 692 (Richardson)**  
**HJR 146 (Towns)**  
**HB 1926 (Richardson)**  
**HB 710 (Pitts)**

The following bills were *taken off notice*:

**HB 2121 (Sargent)**  
**HB 2363 (Todd)**  
**HB 1937 (Coleman)**

***PLEASE NOTE: THE SUBCOMMITTEE IS EXPECTED TO HEAR ITS LAST CALENDAR NEXT WEEK.***

### **SMALL BUSINESS SUBCOMMITTEE**

The **Small Business Subcommittee** met on Tuesday and moved one bill to the full committee.

**HB 1186 (Litz)** as amended makes it a Class A misdemeanor punishable by a fine up to \$2500 for engaging in the business of home inspections without a license.

*[moved to full committee]*

The following bills were *rolled for one week*:

**HB 1846 (Miller L)**  
**HB 2085 (Sargent)**  
**HB 1932 (Jones U)**

**HB 1136 (Casada)** was *taken off notice*.

***PLEASE NOTE: THE SUBCOMMITTEE IS EXPECTED TO HEAR ITS LAST CALENDAR NEXT WEEK.***

### **INDUSTRIAL IMPACT SUBCOMMITTEE**

The **Industrial Impact Subcommittee** met on Wednesday and moved four bills to the full committee.

**HB 1721 (Lundberg)** as amended allows health care providers to better identify changes to an insurance plan’s policy. Changes to an insurance company’s policy manual must be in a bold typesetting and easily identifiable. Also, by July 2010 all health insurance carriers must maintain a website for providers to use as a pre-adjudication tool to see what payment is to be expected on the day a service is provided.

*[moved to full committee]*

**HB 1252 (Curtiss)** as amended prohibits a contractor from requiring a subcontractor to waive their lien rights. Upon notice that a contractor has included such a provision, the Board for Licensing Contractors will notify the contractor that the waiver is against public policy. The contractor may voluntarily remove the waiver. However, if the Board finds the contractor did not delete

the waiver, then the Board shall revoke the license of the contractor.

*[moved to full committee]*

**HB 1589 (Curtiss)** as amended creates a mechanism for property and casualty insurance policies to issue a two-party check to both the insured and the health care provider when an assignment of the benefits is not allowed. This will ensure that the health care provider is properly paid by the policy funds.

*[moved to full committee]*

**HB 793 (Shepard)** addresses recoupment between an insurance carrier and a healthcare provider. An amendment was adopted that makes the bill. In a situation where a provider files a claim with one insurer and it is later determined that the claim should have been filed with another insurer, a provider may file a successor claim with that insurer. The successor insurer may not deny the claim as untimely or for failure to get pre-certification/pre-authorization if the successor insurer would have granted it. A health care provider and insurance carrier may negotiate to toll or extend the time periods for recoupment that are currently in the statute. Also, to address the lag time in reporting if an individual has lost coverage (which can result in recoupment of a wrongfully paid claim), employers must report to the insurer within 60 days of learning of an employee's change in status.

*[moved to full committee]*

**HB 843 (Johnson C)** allows licensed insurance agents to sell charitable gift annuities. Legislation enacted last year gave the Department of Commerce & Insurance the authority to regulate charitable gift annuities. One of the provisions prohibited licensed insurance agents from selling the charitable gift annuities. John Morris from the Department testified that the adopted amendment keeps safeguards in place and the Department is comfortable with the bill as amended. Rep. Sargent asked that the bill be rolled for one week to give members more time to review the amended bill.

*[rolled for one week]*

**HB 378 (Lollar)** allows construction to begin on a school building before final approval by the state fire marshal. Rep. Lollar presented an amendment that allows for temporary approval for construction to begin if the preliminary inspection is done by a local government using the same or more stringent fire/safety standards. The state fire marshal would still have the final authority if there is a conflict. There was some discussion of the implications of making this exemption

and if the exemption should be extended to other types of projects.

*[rolled for one week]*

**HB 128 (Hardaway)** as amended would require a seller to include the average amount paid for utilities for the previous year on the disclosure form to the buyer in a real estate transaction.

*[rolled for one week]*

The following bills were *rolled for one week*:

**HB 1461 (DeBerry)**

**HB 867 (Brooks K)**

**HB 2201 (Bone)**

**HB 1907 (Curtiss)**

**HB 1249 (Curtiss)**

**HB 1110 (Shepard)**

**HB 2304 (Shepard)**

**HB 2289 (Cobb C)** was rolled for two weeks.

**HB 1703 (McCord)** was rolled to the last calendar.

**HB 2362 (McCord)** was rolled to the last calendar.

**HB 381 (Sargent)** was rolled for two weeks.

The following bills were *rolled to 2010*:

**HB 1661 (Armstrong)**

**HB 912 (McCormick)**

**HB 2096 (Towns)**

**HB 1253 (Curtiss)**

**HB 1991 (Shepard)**

**HB 2339 (Shepard)**

The following bills were *taken off notice*:

**HB 1681 (Maddox)**

**HB 2269 (Richardson)**

**HB 1906 (Curtiss)**

**HB 2104 (Shepard)**





# conservation & environment

Jeremy Maxwell

## THE FULL COMMITTEE



Chairman McCord

The **Conservation and Environment Committee** met Tuesday to consider five bills on calendar.

The following bills were *referred to Calendar and Rules*:

**HR 253 (Harmon)** urges the Department of Environment and Conservation to study the feasibility of developing more trails for horseback

riding on portions of Fall Creek Falls State Park and South Cumberland State Park that are not designated state natural areas.

**HB 2248 (McCord)** requires rock mining operations on land where the state owns the surface rights to be subject to permitting and bond requirements as directed by the Department of Environment and Conservation.

The following bills were *referred to FWM as amended*:

**HB 1972 (Harmon)** deletes the original bill in its entirety. It creates a special joint committee to study and develop ways and means to implement comprehensive water planning in Tennessee, both at the state level and the local level of public water systems.

**HB 1619 (McCord)** deletes the original bill in its entirety. The amended bill eliminates the requirement that all concentrated animal feeding operations (CAFO's) obtain coverage under a permit. It would instead only require those operations required by the federal Clean Water Act to be issued a permit.

**HB 882 (Maddox)** was *referred to FWM*. It authorizes state residents who are fifty percent or more disabled as a result of rheumatoid arthritis to obtain

permanent combination hunting and fishing license at a reduced one-time fee of \$10.00.

## ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee met Tuesday to consider seven bills on calendar.

**HJR 323 (McDaniel)** was *referred to full committee*. It expresses the sense of the Tennessee General Assembly that the United States and Tennessee should combat global climate change only through the adoption of a plan structured in a manner that includes safeguarding American jobs, ensures affordable energy, and maintains America's global competitiveness.

**HB 455 (McDonald)** was *taken off notice*.

The following bills were *deferred one week*:

**HB 977 (McCord)**

**HB 1615 (McCord)**

**HB 1616 (McCord)**

**HB 1617 (McCord)**

**HB 790 (Gilmore)**

## WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Wednesday to consider nine bills on calendar.

The following bills were *referred to full committee as amended*:

**HB 2366 (Turner, M)** deletes the original bill in its entirety. The bill, as amended, requires the Comptroller to conduct a study of the economic impact of commercial fishing in Tennessee and to make any recommendations for change required to balance the interest in protecting natural habitat against the degree of oversight necessary for governance of the industry. Such report shall be completed and presented to the Environment and Conservation Committees of the House and Senate by January 15, 2010.

**HB 966 (McCord)** removes the provision in current law which would require the posting of signage at one hundred yard intervals on the perimeter of posted land in order to properly restrict hunting on such land. Such



signs would be required at the visible points of ingress of the posted land. The amended bill includes the clause that the sign will reasonably or likely come to the attention of the trespasser.

**HB 963 (McCord)** extends the deadline for the special joint legislative study committee to study TWRA from June 13, 2009 to June 13, 2010. This study committee considers, evaluates and makes recommendations regarding improvements to the Tennessee wildlife resources agency, including, but not limited to, the issues of state and federal funding sources and how it is governed and managed.

The following bills were *referred to full committee*:

**HB 361 (Dennis, R)** requires a court hearing rather than an administrative hearing to determine whether certain property seized by the state for violations of certain game and fish laws is forfeited to the state.

**HJR 284 (McDonald)** urges the Tennessee Wildlife Resources Commission to set daily bag limits and hunting seasons for migratory waterfowl each year at the

maximum level permitted by the U.S. Fish and Wildlife Service, specifically to establish a sixty day duck hunting season and to permit the taking of two hen mallards per day in season.

The following bills were *taken off notice*:

**HB 958 (McCord)**

**HB 970 (McCord)**

**HB 365 (Matheny)** was *laid on table in committee*.

**HB 725 (Hensley)** was *deferred to first calendar in 2010*.

Wildlife is closed subject to the call of the chair.

### **PARKS SUBCOMMITTEE**

The Parks Subcommittee did not meet this week.

Parks is closed subject to the call of the chair.

## consumer & employee affairs

Lucy Wilson

### **THE FULL COMMITTEE**

The Full Committee heard eight bills on calendar; six were referred to Calendar & Rules, one to Government Operations Committee and one was taken off notice.

#### **Passed to Calendar and Rules:**

**HB 2092 by Towns** Codifies current practice of allowing a claimant to enroll in an institution of higher education and still receive unemployment benefits.

**HB 1286 by Casada** as amended excludes Health care facilities that are subject to licensing by the department of health from the charitable solicitation statute. However, any health care facility that solicits contributions for their facilities shall conduct this solicitation through a separate entity that is exempt from federal income taxation under a 501(a) or a 501(c)(3) designation of the Internal Revenue Code and shall be subject to the requirements of the Charitable solicitation statute.

**HB 1278 by Stewart** enacts the "Uniform Debt Management Services Act," which regulates providers of debt-management services that enter into agreements with individuals for the purpose of creating plans in which the provider is to furnish the services, which plans include a schedule of payments to be made by or on behalf of the individual and used to pay debts owed by the individual. This bill does not apply to legal, accounting or financial planning services.

Two committee amendments were adopted. One establishes additional limits for compensation rates should the creditor and the individual reach an agreement that settles the debt for less than the principal amount. The other amendment requires the director of Consumer Affairs to establish fees and penalties in amounts sufficient to make the operation of this program self-supporting.

**HB 1993 by Sargent** as amended, authorizes qualified self-insured trusts to be exempted from submitting annual audited financial statements subject to approval from the Dept of Commerce and Insurance.

**HB 2190 by Turner L**, provides that parties who are not residents of Tennessee may secure judicial review of board of review decisions by filing in the chancery court of the county where the employer is located unless it is a tax case in which case filing would be in Davidson County.

**HB 2276 by Turner M** specifies that the provisions of the Tennessee Consumer Protection Act governing prizes as inducements and the prohibition on failing to clearly and conspicuously state the name and street address of the person making the offer also apply to the person marketing or promoting the offer.

**HB 1876 by Matheny** excludes prepaid cards that are usable with multiple, unaffiliated sellers of goods or services and/or ATM machines from the gift certificate statute. An amendment to the bill specifies prepaid gift cards without an expiration date are valid until redeemed or replaced.

#### **Rolled to the Last Calendar**

**HB 1206 by McCord** requires person claiming damages under Consumer Protection Act to prove causal nexus between alleged act and person's damages; claimant must show actual out-of-pocket loss based on actual market value of good or service received in order to recover damages.

#### **EMPLOYEE AFFAIRS SUBCOMMITTEE**



The Employee Affairs Subcommittee had fifteen bills on the calendar.

#### **Passed to Full Committee:**

**HB 1760 by Curtiss** revises benefit provisions concerning seeking work, dishonesty and absenteeism, and also revises hearing procedures, and penalties for fraud. Amendment adopted in Subcommittee and traveling with the bill, rewrites the bill. It prohibits unemployment benefit claimants from collecting future benefits if any portion of an overpayment, penalty, or interest from an overpayment is outstanding. Defines "misconduct" as such definition applies to unemployment claims and establishes penalties for individuals receiving unemployment compensation due to misrepresentations of fact. The definition for misconduct includes poor work performance which would result in the elimination of unemployment benefits for individuals discharged for such reason.

**HB 0480 by Hill** (SB 0469 by Johnson) clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. An amendment follows the bill that directs employers to give notice to employees of the policy and the consequences of violating it.

**HJR 0166 by Harwell** expresses support for the Employer Partnership.

**HJR 0069 by Ferguson** urges retirement benefit adjustments for retired United States Department of Energy Oak Ridge prime contractor employees. An amendment traveling with the resolution deletes the clause that urges Congress to require that Medicare Part D subsidies be shared between the company and the retiree in the same proportion as the premiums for Medicare Supplement insurance are being shared.

#### **Taken Off Notice:**

**HB 1916 by Lynn** enacts the "Secret Ballot Protection Act of 2009".

**HB 1355 by Carr** conforms Tennessee's law relative to drug-free workplace testing to U.S. Department of Transportation rules pertaining to workplace drug and alcohol testing.

**HB 1571 by West** authorizes officers of corporations to exempt themselves from unemployment law provisions.

**HB 0826 by Jones S** requires employers to pay tipped employees at a rate not less than the standard federal minimum wage per hour; permits credit for tips or

gratuities received; requires accurate reporting by the employee on the amount of tips or gratuities received.

**HB 2252 by Cooper B** increases maximum inspection fees for elevators and aerial passenger tramways.

**HB 2368 by Odom** makes it a discriminatory practice for an employer to run a “name only” background check without informing the applicant and to base a hiring decision on the information received when the information was actually based on another person whose name was the same or similar to the applicant.

**HB 1566 by West, Moore** requires certain persons who operate cranes over five tons in lifting capacity be certified by a national organization approved by the commissioner of labor and workforce development.

**Rolled to the First Calendar in 2010:**

**HB 0820 by Campfield** requires certain political activities by labor organizations be funded separately through voluntary donations of members and not through regularly collected dues.

**Failed:**

**HB 2162 by Kelsey** prohibits expenditure of funds by the department of labor and workforce development under unemployment law for any benefits under any policy or statute authorized by the American Recovery and Reinvestment Act of 2009 that require expenditure of state funds under the unemployment law after June 30, 2011.

**HB 311 by Sargent** prohibits local governments from requiring private employer to pay its employees any wage not required to be paid to such employee under state or federal law.

**CONSUMER AFFAIRS SUBCOMMITTEE**

The Consumer Affairs Subcommittee had seven bills on calendar.

**Passed to Full Committee:**

**HB 2100 by Towns** makes it an unfair or deceptive act for an entity to request a person’s social security number; permits the request to be made in certain circumstances.

**HB 0618 by Sontany** prohibits a business or other entity from printing a consumer’s social security number on a card or badge if the consumer has to display that card in order to obtain goods or services to which the consumer is entitled.

**HB 0155 by Dennis** is rewritten by an amendment traveling with the bill. The amendment changes the date from January 1, 2009 to July 1, 2010 as the date that a health club registered with the Department of Commerce and shall post a surety bond or file an audited financial statement.

**Taken Off Notice:**

**HB 1365 by Miller L** enacts the “Tennessee Apprenticeship and Job Stimulus Act of 2009.”

**Rolled to 2010:**

**HB 2005 by McDaniel** creates the “Freedom in Contracting Act” prohibiting governments from imposing labor and wage requirements on bidders who desire to provide products or services that are state-funded. The legislation applies to contracts entered into on or after July 1, 2009.

**HB 764 by Turner M** requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

**Failed:**

**HB 0550 by Hardaway** makes it a violation of the Consumer Protection Act to use any word in an advertisement or trade name referring to a governmental entity that may tend to mislead consumers to believe a private entity, is acting for or on behalf of, or has a direct or indirect relationship to a governmental entity, when such use is false, inaccurate, or misleading.

## THE FULL COMMITTEE

The **Education Committee** met Wednesday to discuss the 18 bills on their calendar.



Chairman Brooks, Vice-Chair Winningham

### *Referred to Calendar & Rules:*

**HB 2292 (M. Turner)** – This bill clarifies that if a student perpetuates aggravated assault upon a teacher, that student is expelled for one year.

**HB 446 (Maddox)** – This bill authorizes persons who are employed by state institutions of higher learning to enter into contracts with their employing institutions so long as the employee does not contribute to the contracting process in their official job duties.

**HB 556 (Kelsey)** – This bill encourages local school districts to adopt “Education Pays” for at-risk students to be rewarded with money or other things of monetary value for academic achievement. Funding for LEAs to implement this program shall come from private sources.

**HB 1487 (H. Brooks)** – This bill, as amended by the committee, requires the Department of Education to create a provision allowing alternative licensing for personnel to obtain a teaching license if they have taught at any community college operated by the military.

**HB 1917 (H. Brooks)** – This bill requires the Department of Education to explore with federal

representatives revision of No Child Left Behind to not count GED recipients as high school dropouts. It was amended by the committee to clarify language regarding end of course examinations.

**HB 408 (Pitts)** – This bill, as amended, repeals the exemption for students that matriculated prior to July 1, 1975, that to graduate college at a state run college or university, you must have at least six semester hours of American history. The University of Tennessee system already exempts its students from the provisions of this law, so this bill would only apply to the Board of Regents system.

**HB 648 (Lollar)** – This bill clarifies that it is the intent that state budgetary appropriations to the Tennessee Intercollegiate State Legislature (TISL) program reduce rather than eliminate fees paid by member institutions for their students to participate in the program.

**HB 2293 (Winningham, M. Turner)** – This bill provides that LEAs that operate preschools can contract their operation out to service providers that operate in the geographic area that the LEA serves. Outside operators must receive the highest rating assigned by Department of Human Services to child care providers.

**HB 1219 (Hawk)** – This bill requires the Tennessee higher Education Commission to explore enacting a tuition relief program for veterans as has been enacted in other states and to report its findings back to the General Assembly’s Education Committees by January 2010.

**HB 2321 (Brown, M. Turner)** – This bill, an outgrowth of the Tennessee Diploma Project, changes the requirements for end of course testing. Under this bill, end of course testing in three subjects: Algebra I, English II, and Biology I, will count as part of the grade given for the course. These courses, required for graduation from high school, must be passed as a requirement for graduation from high school. This is done in concert with increased rigor of standards for coursework.

### *Referred to Finance, Ways & Means:*

**HB 1943 (Maddox)** – This bill creates the “Forward Thinking for Education Task Force.” It is to be composed of nine individuals, five appointed by the



governor, and two by each General Assembly speaker, respectively; appointments shall be made in collusion, so that all congressional districts are represented by an appointee. The task force shall be assisted by the Tennessee Higher Education Commission, and shall consider the structure and funding apparatus of state supported higher education in Tennessee and how well that the current system meets current and future needs of our citizens in today's global economy. The task force shall report its findings by February 2010 and thereupon cease to exist.

**HB 835 (Moore)** – This bill grants \$500 to firefighters under the auspices of the Wilder-Naifeh technical skills grant program to assist in attending the Tennessee Fire Service and Codes Enforcement Academy. While the amount may not cover the full amount of tuition necessary to complete training at the academy, it would offset some of the cost. Grant recipients would have to meet all other qualifications that apply to current Wilder-Naifeh grant recipients and would not qualify to receive another grant if pursuing other training at a different institution.

**HB 687 (Winningham)** – This bill would require the State Board of Education to hold a study meeting to discuss school safety. It was amended to include the chairs of House and Senate Education Committees, respectively.

**HB 1824 (Winningham)** – This bill requires LEAs that pay school support staffs' health insurance premiums to pay a minimum percentage of that premium. The amount will be set at 30%.

**HB 922 (Hawk)** – This bill requires the Department of Education to develop a "College to Kids" program to enlist community professionals to give lectures to students on the benefits of attending college.

*Referred to Government Operations:*

**HB 230 (Todd)** – This bill, as amended by the committee, authorizes school boards within Shelby County to delegate school zoning decisions to a committee composed of three members, at least one of whom must be a current board member. Other board members must comply with the decisions of the committee based on rules and regulations adopted by the board.

*Rolled one week:*

HB 1104 (J. DeBerry)

*Rolled to the last calendar:*

HB 1107 (Maddox)



## **K-12 SUBCOMMITTEE**

The **K-12 Subcommittee** met on Wednesday. Next week's calendar will be the last calendar, though possibly not the last meeting; if bills are not on calendar for next week, they will not be heard this year. Both bills rolled one week and bills rolled to the last calendar will be placed on next week's subcommittee calendar. The committee also heard further testimony regarding charter schools, but ultimately put off consideration of bills regarding this subject for another week.

*Sent to the Full Committee:*

**HB 1647 (U. Jones)** – This bill creates a pilot project for the City of Memphis to mandate attendance by suspended students in an alternative school. The Department of Education shall monitor the pilot project and report back to the Education Committees of the Senate and House in February 2011.

**HB 1860 (Brown-)** – This bill requires the Department of Education to study annually pilot afterschool programs, including lottery scholarship retention by these students after they enter college.

**HB 896 (Winningham)** – This bill adds giving false medical information to sick leave bank trustees at the local educational level an additional reason that a participant may lose membership in the bank.

**HB 1825 (Winningham)** – This bill gives a \$4,000 salary supplement to public school teachers who obtain National Board for Professional Teaching Standards certification.

**HB 2194 (Harmon)** – When a metropolitan government forms in a county that already has a special school district operating, this bill allows the special school district to continue operation, if so stated in the metropolitan charter.

**HB 431 (Bell)** – This bill requires that any state agency or board recognize any legal diploma as fulfillment of any requirements that such agency may have regarding an individual's high school education. This does not apply to lottery scholarships.

*Rolled one week:*

HB 795 (H. Brooks)  
HB 2146 (Harwell)  
HB 1643 (U. Jones)  
HB 15 (Ferguson)  
HB 952 (Winningham)  
HB 1854 (Lollar)  
HB 508 (Todd)  
HB 549 (Hardaway)  
HB 552 (Hardaway)  
HB 1425 (Lollar)  
HB 1509 (Winningham)  
HB 1175 (Todd)  
HB 797 (Campfield)

*Rolled to last calendar:*

HB 2142 (M. Turner)  
HB 2061 (Rowland)  
HB 2148 (U. Jones)  
HB 2087 (Towns)  
HB 1507 (Winningham)  
HB 2164 (L. Turner)

*Taken off notice:*

HB 2207 (Hardaway)  
HB 1188 (Mumpower)  
HB 2348 (Stewart)  
HB 217 (Fraley)  
HB 2014 (Hawk)  
HB 842 (Weaver)  
HB 429 (Bell)  
HB 432 (Bell)  
HB 1418 (Bell)  
HB 1170 (Dunn)

**HIGHER EDUCATION SUBCOMMITTEE**

The **Higher Education Subcommittee** met Tuesday with 9 bills on its calendar. Next week will be the last week that the Higher Education Subcommittee meets.

*Sent to the Full Committee:*

**HB 2028 (Maddox)** – This legislation alters the hazing prohibition currently in effect at Tennessee institutions of higher education. As amended in subcommittee, this legislation would require colleges and universities to include, in their written policies that notify of the prohibition of hazing, that violations of the policy can lead to suspensions of up to one year.

**HB 881 (Maddox)** – This bill establishes a loan program out of lottery scholarship dollars for individuals wishing to train for careers as commercial truck drivers.

*Rolled one week:*

HB 43 (Hardaway)

*Rolled to the last subcommittee calendar:*

HB 1544 (Montgomery, Odom)  
HB 1221 (Hawk)  
HB 1222 (Hawk) – *Roger Dalton, a representative of the National College of Business and Technology appeared before the subcommittee to advocate for this bill.*

HB 1224 (Hawk)

*Taken off notice:*

HB 358 (Bone)  
HB 1223 (Hawk)

## **THE FULL COMMITTEE**

The Finance, Ways and Means Committee met Tuesday to hear twelve bills and selected budget hearings. The following actions on legislation were taken by the full committee:

### **Deferred for one week:**

HB 372 (Ford)

HB 1929 (Ford)

### **Referred to Calendar & Rules:**

**HB 352 (Hackworth)**, as amended by the Council on Pensions and Insurance, this bill authorizes a state retiree, a retired teacher, or local government retiree to return to work without suspension of his or her TCRS benefits, provided certain conditions are met. The provisions of the bill are scheduled to sunset on June 30, 2012.

**HB 100 (Moore)** is a memorializing bridge sign bill. It names and designates the bridge spanning the South Harpeth River on State Highway 100 in Davidson County as the "Corporal Jessie William Gammons Memorial Bridge" and directs the Department of Transportation to manufacture and erect suitable signs. As amended in House Transportation, Metro-Nashville/Davidson County is required to pay for the signs.



**Rep. Lundberg**

**HB 107 (Lundberg)**, as amended in full committee, this bill creates a new Class C misdemeanor, subject only to a fine not to exceed \$50 and court costs not to exceed \$10, for the offense of transmitting or reading written messages (text messaging) on a hand held mobile telephone or a personal digital assistant while operating a motor

vehicle on any highway. The Finance amendment

changed a provision to only require TDOT to utilize the permanent overhead informational displays located throughout the state to provide periodic messages to the motoring public that text messaging while driving is against the law in Tennessee, instead of posting metal signs along the highway. The provision previously added in the House Transportation Cmte., which provided an exemption for certain public service personnel is still contained within the legislation. This provision prevents these particular persons from being charged with the offense of texting while driving while in the official discharge of their duties; specified in the amendatory language as exempted are: State and Local Law Enforcement Officers; Campus police officers and Public safety officers (as defined by TCA§49-7-118); Emergency medical technicians, emergency medical technician paramedics, and firefighters, both volunteer and career; and State and Local Emergency management agency officers.

**HB 253 (Casada)** adds violations for failure to drive on the right half of the road and unlawfully overtaking and passing another vehicle to the current list of violations, which are penalized as Class A misdemeanors if another person is killed and as Class B misdemeanors if another person is seriously injured. It was amended in House Transportation to exempt vehicles used exclusively for transporting seed cotton modules and vehicles exceeding maximum height and width restrictions from the proposed violation for failing to drive on the right half of the road.

**HB 268 (Watson)**, as amended in House Judiciary, clarifies that victims are not required to pay court costs associated with the dismissal or nonsuit of a petition for an order of protection, and are also exempt from all the other occurrences on the list set forth in TCA §36-3-617.

**HB 1676 (Tindell)** imposes a penalty for failure of a tobacco distributor or manufacturer to provide certain information to the Commissioner of Revenue.

**HB 1742 (Fitzhugh)** establishes certain qualifications and standards for real estate continuing education instructors.

**HB 2042 (McCord)** is a local bill for Blount County; it increases their local hotel-motel tax from 4% to 5%.

The proceeds from the tax shall be retained by the Blount County government to purchase land for a Visitors Center in Townsend to be built. The tax revenue distribution is specifically stated within the bill; it also requires the standard two-thirds vote of the Blount County legislative body to become effective.

**HB 2278 (Shaw)** is an administration bill which extends the expiration date of the Intermediate Care Facilities for the Mentally Retarded (ICF/MR) tax from July 15, 2009 to July 15, 2011. It prevents the loss of \$12.3 million in state revenues. This revenue recognition is included in the Governor's proposed FY09-10 budget.

**HB 2330 (Harmon)** is an administration bill. As introduced, the bill revises multiple governing provisions regarding motor vehicles and motor carriers. Among such changes are the adoption of rules and regulations of the U.S. Department of Homeland Security relative to the issuance of REAL ID licenses, and the adoption of rules and regulations of the Federal Motor Carrier Safety Administration relative to the issuance of commercial driver licenses. The House Transportation Committee amended the bill, removing the requirement for the Department of Safety to issue driver licenses and photo identifications that comply with the REAL ID Act of 2005, and any other subsequent federal requirements relative to the issuance of driver licenses and photo identification licenses.



### **BUDGET SUBCOMMITTEE**

On Wednesday, April 22, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with forty-five bills on its calendar. Subcommittee action on these bills is as follows:

#### **Deferred for One Week:**

HB 2389 (Fitzhugh)

HB 348 (Hackworth)

HB 1543 (Stewart)

HB 1053 (Lynn)

#### **Deferred for Two Weeks:**

HB 1246 (Curtiss)

HB 1998 (Curtiss)

HB 2198 (L. Miller)

HB 1484 (Tindell)

HB 2264 (M. Turner)

HB 1833 (Armstrong)

HJR 113 (Armstrong)

HJR 83 (Hardaway)

HB 2124 (Sargent)

HB 518 (Shaw)

#### **Deferred to July 2010:**

HB 35 (Hardaway)

#### **Behind the Budget:**

HB 2127 (Dennis)

#### **Taken Off Notice:**

HB 486 (Bass)

HB 1984 (Fitzhugh)

HB 492 (Tidwell)

#### **Failed for Lack of a Motion:**

HB 2192 (J. DeBerry)

#### **Referred to Study Sub:**

HJR 4 (Hardaway)

#### **Referred to Full Committee:**

**HB 959 (Bass)** – As amended in Judiciary Cmte., this bill requires all information contained in or associated with handgun carry permits or handgun carry permit renewals to be confidential and not open for public inspection, with exceptions for law enforcement agencies and child support enforcement agencies under certain circumstances.

**HB 1683 (H. Brooks)** – This bill extends the provisions of the law permitting retirees in the TCRS to teach in grades K-12 without loss of retirement benefits to June 30, 2011.

**HJR 116 (H. Brooks)** – This legislation names and designates the administration building at the TDOT complex in Knoxville as the “Fred B. Corum Regional Administration Building.” The committee has recognized receipt of a “funding letter” from Commissioner Nicely which states the costs of such signage can be absorbed within the department's budget.



**HB 1245 (Curtiss)** – This bill expands the authority of the water quality control board concerning incentives for alternatives to discharges into surface waters.

**HB 2262 (J. DeBerry)** – This bill is an administration bill deleting authorization for child abuse review teams in each community, as the current process, being deleted with this legislation, is duplicative and the responsibilities of these teams are now conducted by child protective investigation teams.

**HB 1981 (Fitzhugh)** – This legislation authorizes the Tennessee Local Development Authority to charge and collect administrative fees and expenses to cover the costs of financing programs to local governments under the Wastewater Facilities Act of 1987 and the Drinking Water Revolving Loan Fund Act of 1997. The House Conservation and Environment Committee added language to the bill stating that such fees and expenses shall not become part of the wastewater facility revolving loan fund or the water system revolving loan fund.

**HB 1983 (Fitzhugh)** – This is the infrastructure bond bill, which authorizes the State Funding Board to cancel bond authorizations when projects for which bonds are authorized are subsequently financed with short term debt, proceeds from other bond premiums, or with current funds.

**HB 1977 (Fitzhugh)** – This bill authorizes the “Big 4” counties (Shelby, Davidson, Knox, and Hamilton) as well as the cities of Chattanooga, Knoxville, and Memphis to issue bonds using private placement or via negotiated sale until June 30, 2010. According to the Comptroller’s Office, this bill will assist these local governments in accounting for volatility in the current market.

**HB 280 (Matheny)** – As amended in the Council on Pensions and Insurance, this bill grants the State Insurance Committee, the Local Government Insurance Committee, and the Local Education Insurance Committee the authority to delegate the ability to handle and resolve disputes regarding the application of medical necessity guidelines to a subcommittee or staff.

**HB 516 (Matheny)** – As amended in Budget Subcommittee, this bill would create a new offense for a person to receive or attempt to receive housing in a housing project by giving false information or concealing material information if doing so results in the person qualifying for housing or a lower lease rate. It broadens the definition of “services” to include any other activity or product considered in the ordinary course of business

to be a service, regardless of whether it is specifically listed in statute. Violation of these provisions would be a Class A misdemeanor, though only punishable by a fine not to exceed \$2,500. The amount of the fine imposed shall be graded as theft according to the value of the benefit the defendant derived from the offense.

**HB 1285 (Odom)** –

This bill was rewritten in the Council on Pensions & Insurance to authorize retired state employees or retired employees of the University of Tennessee and the state university and community college system, who meet criteria specified in TCA §8-27-205, to participate as a retiree in the dental insurance plan. It also authorizes

adjustments of monthly plan premiums and benefit package options pending final approval of the State Insurance Committee. The Budget Subcommittee Amendment spreads the initial start up costs for the first twelve months out to all participants in the plan over both employees and retirees. It was testified in committee that this is projected to only be a 3-cent per month additional cost to all participants in the optional dental plan.

**HB 18 (Swafford)** – This is the aggressive driving bill. As rewritten in Transportation and then amended in the Budget Subcommittee, this legislation would define aggressive driving as when a person who, during one event of continuous driving, commits at least two of the following violations: overtaking on the right; overtaking and passing in no passing zones; following too closely; failing to yield to pedestrians; failure to signal turn; speeding; stopping, standing, or parking in prohibited places; or following fire trucks; and the result of the violations places another person(s) in danger of bodily injury. As amended in Budget Sub., the offense for aggressive driving would be the same as that of reckless driving, a Class C misdemeanor, punishable only by a maximum fine of \$500.

**HB 2168 (Armstrong)** – This bill specifies that the Tennessee National Guard Armory located at 3330



Sutherland Avenue in Knoxville, Knox County, be named and designated as the “Colonel Russell Austin Newman National Guard Armory.” As amended in the House State & Local Government Committee, non-state funds would be required for payment for the manufacturing and installation of the signs or markers within one year of the effective date of this bill. A “funding letter” was distributed to the committee from M.G. Gus Hargett, Jr. stating the 278th Retirees Association and the former commanders of the 278th Armored Cavalry Regiment will pay for the designating signs with private funds.

**HB 1480 (J. Cobb)** – This is a hwy/bridge sign bill. It names and designates the bridge spanning the Piney River on U.S. Highway 27 within the corporate limits of Spring City in Rhea County as the “Jimmy ‘Pap’ Galloway Memorial Bridge” and directs the Department of Transportation to erect suitable signs. The House Transportation Committee amended the bill deleting Section 5 of the printed bill, which requires non-state funding, and instead requires Rhea County to pay for the signs.



Rep. Dennis

**HB 360 (Dennis)** – This legislation authorizes individuals who have had their driver’s license revoked due to underage driving while impaired to apply to the trial or juvenile court judge for a restricted driver’s license. It authorizes trial and juvenile court judges to order the issuance of such restricted driver’s licenses under the same circumstances that

restricted driver’s licenses are issued to persons convicted of DUI. In House Judiciary, the bill was amended to provide that an underage DUI offender’s restricted driver’s license may not be reissued until after such person’s driver’s license has been suspended for 90 days.

**HB 220 (Fincher)** – This bill requires the Bureau of TennCare to verify the Social Security number of all enrollees in the program and remove all ineligible enrollees who are not lawful residents or are otherwise fraudulent applicants prior to disenrolling individuals for

reasons relating to restricting eligibility or enrollment for fiscal or other reasons not required by federal law. The Budget Subcommittee amended the bill adding language establishing that verification of the validity of a TennCare enrollee’s Social Security number “at the time of application” is required prior to the disenrollment of individuals for reasons relating to restricting eligibility or enrollment for fiscal or other reasons not required by federal law.

**HB 2357 (P. Johnson)** – As amended in the House State & Local Government Committee, this legislation limits the publication of the “Tennessee Legislative Record” to one time at the conclusion of each annual session unless requested by a member of the General Assembly. The record will remain on the official website of the Tennessee General Assembly.

**HB 321 (S. Jones)** – This bill, as rewritten in the Children & Family Affairs Committee, creates a process by which a foster parent may report failure by the Department of Children’s Services, an employee of the Department, an agency contracted with the Department, or an employee of that agency to follow the tenets behind foster parents’ rights when the failure has harmed or could harm the child or has inhibited the foster parent’s ability to meet the needs of the child. DCS must provide copies of all written requests for formal reviews and the responses made by DCS to the Commission on Children and Youth within 10 days of each being made. DCS must also submit a plan for training employees of the provisions of the bill by October 1, 2009, to the Select Committee on Children and Youth. This, in effect, sets up a process for foster parents to voice issues they may be having with their case managers.

**HB 1557 (S. Jones)** – As rewritten in the Children & Family Affairs Committee, this legislation states that when a child is adjudicated delinquent or before the child admits to having committed an offense, the court must notify the child that when he is fingerprinted upon the commission of a crime, his prints will be sent to TBI to be kept on file.

**HB 1698 (McCormick)** – This is the AT&T Market Regulation Bill. The Commerce Committee rewrote the bill to authorize incumbent and non-incumbent certificated providers of local exchange telephone or intra-state long distance telephone service to elect to operate pursuant to market regulation by filing notice of intent with the TRA. The Commerce Committee also added language stating that a rural incumbent certificated provider of local exchange or intrastate long

distance telephone service, that elects to operate pursuant to market regulation, shall constitute an acknowledgement that a bona fide request for interconnection or services is not unduly economically burdensome, is technically feasible, will not present a risk of a significant adverse economic impact on users of telecommunications services generally, is consistent with 47 U.S.C. § 254, and is consistent with the public interest, convenience, and necessity. This, thereby, removes the federal protection from competition for rural providers who elect to use market regulation.

**HB 780 (McCormick)** – This bill authorizes the register of deeds in Hamilton County to collect a \$2 submission fee for recording electronically-filed documents, upon approval by a two-thirds vote of the Hamilton County legislative body.

**HB 845 (Mumpower)** – This bill requires two additional members be added to the State Election Commission temporarily when the majority party changes as a result of a regular November election. The two additional members will serve only until other members' terms expire. As amended in House State & Local Government Committee, the legislation also requires that the existing compensation structure for the commission be divided equally for all seven members rather than providing additional compensation for the temporary members.

**HB 493 (Tidwell)** – As introduced, this bill expands the Tennessee River Resort District for liquor-by-the drink applicable to Perry County to include the entire county, instead of limiting the area in such county to three miles from the bank of the Tennessee River, upon the adoption of a resolution by the county legislative body.

**HB 1420 (Tidwell)** – As introduced, this bill enacts the “Soil Scientist Licensing Act of 2009.” Effective January 1, 2010, this legislation would require the Board of Examiners of Land Surveyors to license and regulate soil scientists. It establishes minimum educational and experience requirements to apply for licensure, and requires the Commissioner of Commerce and Insurance to establish the Soil Science Advisory Committee which shall be administered by the Board of Examiners of Land Surveyors. Violation of the act would be a Class B misdemeanor, with a civil penalty authorized to be assessed by the Commissioner in an amount up to \$1,000 per violation. The House Commerce Committee amended the bill to clarify that the new license does not affect any other profession related to soil science that already requires licensure or registration, and the House Government Operations Committee added a section to the bill establishing a sunset date of June 30, 2011 for the soil scientist advisory committee.

## government operations

Amber Rice

The **Government Operations Committee** met on April 22nd to consider twenty-two bills.

The following bill was referred to **Calendar and Rules**:

**HB 1549 by Rep. Casada**- Authorizes state licensing of out-of-state wineries. The purchaser of wine from a licensed winery would be authorized to transport into and within Tennessee up to five cases or 60 liters of wine per day. Such purchaser would be responsible for retaining documentation relevant to the transaction. Wineries would be authorized to sell juices and winemaking supplies and related items.

The following bills were referred to **Finance, Ways and Means**:

**HB 50 by Rep. Gilmore**- Encourages the Department of Health to implement an initiative to establish culturally appropriate programs to ensure that high-quality relevant services are provided to individuals who are most at risk of contracting HIV/AIDS and least likely to receive necessary care and creates a joint study committee to study the disproportionate impact that HIV/AIDS has on the African-American community.

**HB 2312 by Rep. Shepard**- Specifies funeral or burial merchandise as a portion of a pre-need funeral contract. Expands the definitions of “pre-need sales agent” and “pre-need seller” to include individuals who engage in conduct requiring registration to sell pre-need funeral contracts. Authorizes the assignment of contract benefits to a funeral establishment. Creates an inactive license status for home inspectors and requires all home inspectors who wish to re-activate their license to do so



within 24 months or to provide proof of completion of 32 hours of continuing education within the 24 months immediately preceding their application for re-issue. Requires that inactive licenses be renewed every two years. Deletes requirement for location managers at collection services to renew their location manager licenses prior to expiration or risk revocation. Removes the requirements for real estate appraiser trainee licensure and requires trainee certification.

The following bills were deferred for one week: **HB 988** by Rep. Lynn, **HB 993** by Rep. Lynn, **HB 1001** by Rep. Lynn, **HB 1005** by Rep. Lynn, **HB 1031** by Rep. Lynn, **HB 1035** by Rep. Lynn, **HB 1051** by Rep. Lynn, **HB 1052** by Rep. Lynn, **HB 1058** by Rep. Lynn, **HB 1064** by Rep. Lynn, **HB 1066** by Rep. Lynn, **HB 1068** by Rep. Lynn, **HB 1069** by Rep. Lynn, **HB 1100** by Rep. Lynn, **HB 1815** by Rep. Lynn, **HB 1512** by Rep. Tindell, **HB 1204** by Rep. McCord, **HB 581** by Rep. Fincher, and **HB 474** by Rep. Harmon.



## health & human resources

Judy Narramore

### THE FULL COMMITTEE



**Chairman Armstrong**

The **Health & Human Resources Committee** met Tuesday, April 21, 2009, with 12 bills and one House joint resolution on the calendar and addendum. **HB 2136 (Hackworth)** as amended that requires the Bureau of TennCare and the Department of Health to work with health care providers to enhance opportunities for women who are

pregnant to receive treatment for addiction to alcohol or controlled substances; requires the Bureau of TennCare and the Departments of Health, Children's Services, and Mental Health & Developmental Disabilities to work together to ensure that women who are addicted to

alcohol or drugs and who have recently given birth are referred to the appropriate agencies for services for themselves and their baby; requires health care providers who determine that a newborn is suffering from neonatal abstinence syndrome to notify the Department of Children's Services; and, requires the Department of Children's Services to monitor the child and ensure that the child is receiving adequate and appropriate services was referred to FW&M. **HB 1106 (DeBerry J)** as amended that increases from \$600 to \$800 the monthly income limit of a resident in which the Department of Health must reimburse a residential home for the aged a rate of \$25 per day per resident was referred to C&R. The amendment to HB 1106 corrects a typographical error in the printed bill. **HB 1353 (Floyd)** that exempts Hamilton County from certain statutory requirements relating to county medical examiners and facilities performing autopsies was rolled one week by Chairman Armstrong, pending outcome of a scheduled board meeting that may deal with the issue this legislation seeks to address. **HB 0631 (Tindell)** as amended that extends the expiration date for the nursing home bed tax from June 30, 2009, to June 30, 2011, and deletes the Commissioner of Health's authority to deduct the amount due from a forthcoming Medicaid payment when a facility becomes more than 30 days delinquent



on its bed tax was referred to FW&M. **HB 0633 (Tindell)** that extends the prohibition on new nursing home beds, except for 125 Medicare SNF (skilled nursing facility) beds, to June 30, 2011, was referred to FW&M. **HB 0219 (Fincher)** as amended in subcommittee requires the Bureau of TennCare to notify each member of the General Assembly when it proposes a change in TennCare services or reimbursement that affects more than 250 beneficiaries or a change that will affect current or future appropriations in any amount greater than \$100,000, and to notify the TennCare Oversight Committee and each member of the General Assembly prior to submitting a request for an amendment to or renewal of the TennCare waiver to the U.S. Department of Health & Human Services, and prohibits the submission or implementation of a waiver amendment or renewal unless the TennCare Oversight Committee has been afforded the opportunity to comment was rolled one week at the request of the sponsor; sponsor amendment expected. **HB 0448 (Pruitt)** that increases the personal needs allowance for nursing home residents from \$40 to \$50 beginning January 1, 2010, was referred to FW&M. Rep. Armstrong rolled **HB 1655** two weeks for drafting of amendatory language. **HB 1650 (Armstrong)** that requires the Health Equity Commission to provide advice to the Commissioner of Finance & Administration concerning the state health plan was referred to C&R. **HB 1914 (Armstrong)** that authorizes the releasing mental health treatment facility and the outpatient qualified mental health professional to also consult with a service recipient's spouse or other adult family member with whom the service recipient would live concerning the outpatient treatment plan, if any necessary consent is obtained prior to the consultation was referred to C&R. **HB 2266 (Shepard, Turner M)** as amended by the sponsor's amendment that rewrites the bill to revise existing law reporting requirements of health care facilities from all "unusual events" to incidents of "abuse, neglect, and misappropriation" to the Department of Health within seven business days from the discovery of the incident and to require the Department of Health to submit a written report by January 31, 2011, to the Chairs of the House and Senate Health Committees specifically comparing and contrasting the 2007 and 2008 annual aggregate data reported to the State and collected from facility surveys was referred to C&R. Rep. Hensley rolled **HB 0151** one week for drafting of a new amendment. **HJR 0281 (Armstrong)** that supports screening for colorectal cancer was referred to C&R. Chairman Armstrong requested without objection all members of the committee be added as co-prime sponsors of HJR 0281.

In addition to its calendar, the committee heard two presentations. The first presenter was Jacquelyn Dawes, Executive Director, Brookhaven Retreat. Brookhaven Retreat is a licensed, dual diagnosis (mental health and drugs), gender specific (women only) facility located in Knoxville. The next presenter, Jeff Ockerman, Director, Division of Health Planning, gave an overview of the duties of the Division and status of the state health plan.

*Chairman Armstrong* announced that at the conclusion of the April 28<sup>th</sup> full committee meeting, a subcommittee meeting will be held during the remainder of full committee time. The specific subcommittee will be determined and announced based on bills on calendar.



### **PROFESSIONAL OCCUPATIONS SUBCOMMITTEE**

The **Professional Occupations Subcommittee** met Tuesday morning, April 21<sup>st</sup> with 11 bills on calendar; none were referred to full committee. Rep. Maggart renewed her motion on **HB 0635** concerning the interchange of immunosuppressant drugs. The subcommittee stood in recess to hear extended testimony from a transplant patient and transplant physician, both supporters of the legislation. Rep. Maggart distributed a new amendment that rewrites HB 0635 and subsequently rolled the bill one week for review of the amendment. Rep. Maggart offered **HB 1607** that establishes procedures for certification and utilization of *certified medication technicians* to administer medication to nursing home residents. As discussion began on HB 1607, subcommittee meeting time had extended beyond one hour; therefore, Chairman Harrison rolled HB 1607 (motion pending and amendment that rewrites the bill distributed but not acted upon or discussed) and the remaining nine bills on calendar one week: **HB 0464 (Odom)**, **HB 1495**

(Maggart), **HB 0722 (Niceley)**, **HB 1114 (Shepard)**, **HB 1268 (Favors)**, **HB 1546 (DeBerry J)**, **HB 1651 (Armstrong)**, **HB 1669 (Tindell)**, and **HB 1715 (Turner M)**.

Chairman Harrison has previously announced the Professional Occupations Subcommittee *final calendar* is scheduled for April 28, 2009.

### **PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE**

The **Public Health & Family Assistance Subcommittee** met Tuesday afternoon April 21<sup>st</sup> with 10 bills on calendar, referring three to full committee. **HB 2286 (Hackworth, Turner M)** revises certain provisions of the Vulnerable Persons Registry established and maintained by the Department of Health, defines *exploitation* for purposes of the Registry, broadens the definition of *vulnerable person*, and authorizes a state agency that has placed a person in the Registry to recommend to the Department the removal of such person's name under certain conditions. **HB 0828 (Jones S)** transfers the Division of Vocational Rehabilitation and the section responsible for determinations of disability under federal social security law from the Department of Human Services to the Department of Labor and Workforce Development, effective July 1, 2009, or whenever approved by the social security administration, whichever is later. **HB 2344 (Jones S)** as amended exempts facilities providing housing for persons on a temporary or transitional basis through a court program that addresses the needs of persons both in court custody and dually diagnosed with a developmental disability and mental illness from licensure as a residential facility by the Department of Mental Health & Developmental Disabilities.

In other action, Rep. Hackworth rolled **HB 1732** one week. **HB 2255 (Maddox)** was taken off notice at the request of the sponsor. **HB 0445 (Maddox)** concerning abortion failed on voice vote. Rep. Turner offered **HB 2319** concerning the "Tennessee Healthful Menu Act," and then rolled the bill one week for review of the amendment distributed this afternoon that rewrites the bill; additional amendatory language is expected. **HB 1810 (Hill)** was rolled one week at the request of the sponsor. Rep. S Jones rolled **HB 0830** to January 2010. Rep. Curtiss rolled **HB 1586** for review of the proposed amendment. Chairman Hensley announced the Public Health & Family Assistance Subcommittee *final meeting to consider the final calendar* is scheduled for Tuesday afternoon, April 28, 2009.

### **HEALTH CARE FACILITIES SUBCOMMITTEE**

The **Health Care Facilities Subcommittee** met Wednesday afternoon, April 22, 2009, with six bills on calendar, referring one to full committee. **HB 0297 (Richardson)** as amended requires the Department of Mental Health & Developmental Disabilities to evaluate the possible use of mandatory outpatient treatment as an alternative to judicial commitment and report the results of the evaluation to the House and Senate Health Committees by February 2010.

In other action, Rep. Rich rolled **HB 0558 (Kelsey)** one week. Chairlady Pruitt rolled **HB 0950 (Lynn)** and **HB 1737 (Fincher)** one week. **HB 1658 (Armstrong)** was taken off notice at the request of the sponsor. Rep. M. Turner rolled **HB 2265 (Jones S, Turner M)** one week. Chairlady Pruitt announced the Health Care Facilities Subcommittee *final calendar* is scheduled for April 29, 2009.

## THE FULL COMMITTEE



**Chairman Coleman**

The **Judiciary Committee** (Chairman Coleman) met on Wednesday, April 22, 2009 with 62 bills on calendar.

\*\*\*NOTICE: The Judiciary Committee will meet again on Wednesday, April 29, 2009 to consider bills rolled from this week's calendar as well as to consider bills coming up from the two subcommittees. The subcommittees are

meeting next week as well, but they are working off of their respective FINAL CALENDARS.\*\*\*

### To Calendar & Rules:

**HB 1409 (Tindell)**, as amended, adds community action agencies and certain nonprofit corporations to definition of governmental entity for purposes of governmental tort liability. Amendment #1 (00500133) adds, "community action agency or nonprofit corporation which administers the Head Start or Community Service Block Grant programs". Amendment #2 (00527571) changes the enacting clause to read, "This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all causes of action accruing on or after the effective date."

**HB 1588 (Curtiss)** authorizes veterans to request removal of their social security numbers from war records.

**HB 0215 (Harmon)**, as amended, grants trial judge the option to resentence a defendant whose probation has been revoked to a sentence of community correction as well as ordering the original sentence reinstated and the incarceration of the defendant. Amendment #1 (00494271) makes the bill.

**HB 1228 (Fitzhugh)**, as amended, creates Class B misdemeanor for improper wearing of military

decorations or falsely representing that one has been awarded military decorations. Amendment #1 (00653571) makes the bill.

**HB 2254 (Yokley)**, as amended, revises certain reporting and investigatory requirements concerning abused adults. Amendment #1 (00636133), as amended by an oral technical amendment, adds: "department of human services with providing the services as required under this part"; "mental retardation"; "based upon available resources"; and "if such person is eligible for placement".

**HB 1519 (Sargent)**, as amended, provides that it does not constitute offense of possessing gambling device or record if devices are possessed in this state for the sole purpose of transporting for use outside the state. Amendment #1 (00612333) makes the bill.

**HB 1534 (Dean)** removes the requirement that a list of bondsmen posted in a correctional facility must be done in order of seniority.

**HB 2220 (Stewart)** authorizes use of fingerprint as form of acknowledgment in lieu of, or in addition to, a person's signature for citations and certain other notices and documents.

**HB 0588 (Coleman)** establishes what crimes may be a lesser included offense generally and states that second degree murder is a lesser included offense of certain first degree murder charges.

**HB 1457 (Coleman)** prohibits certain persons restrained of their liberty from prosecuting a writ of habeas corpus.

### To Finance, Ways & Means:

**HB 1261 (Tindell)** increases the age the victim of child abuse or child neglect must be from six to eight years old for a defendant to receive an enhanced punishment for such an offense.

**HB 1840 (Haynes)**, as amended, allows Knox County register to redact social security numbers on recorded documents maintained on computers or removable computer storage media. Amendment #1 (00489872) adds Shelby County. Amendment #2 (00525973) adds Blount County.



**HB 1284 (Favors)** prohibits judicial diversion for persons accused of child abuse and aggravated child abuse.

**HB 0609 (Stewart)**, as amended, authorizes reimbursement from the criminal injuries compensation fund for the reasonable costs of temporary lodging for the victim of domestic violence, not to exceed 14 days. Amendment #1 (00678233) makes the bill.

**To Government Operations:**

**HB 1448 (McCord)**, as introduced, increases the number of words from 600 to 1,000 that a report from the Judicial Evaluation Commission on each appellate judge may contain. Amendment #1 (00539802) rewrites the bill in its entirety. If passed by Gov Op, then this bill will return to Judiciary.

**HB 2141 (Lundberg)** revises the membership of the judicial selection commission and the judicial evaluation commission; decreases term of commission members from six to four years; requires senate confirmation of governor's nominee to fill a vacancy for any state court judge; increases the vote from a majority vote to 60 percent vote that a judge must receive in a retention election; extends the sunset provision for the judicial selection and evaluation commissions to June 30, 2011. If passed by Gov Op, then this bill will return to Judiciary.

**HB 1892 (Coleman)**, as amended, rewrites various provisions of the judicial selection and judicial evaluation provisions. Amendment #1 (00625433) makes the bill. If passed by Gov Op, then this bill will return to Judiciary.

**Taken Off Notice:**

HB 0847 (Mumpower).  
HB 0457 (McDonald).  
HB 2235 (Coleman).

**Rolled:**

HB 0386 (Sontany): 1 week.  
HB 1257 (Sontany): 1 week.  
HB 0232 (Todd): to last calendar.  
HB 0615 (Todd): to last calendar.  
HB 0250 (Carr): to last calendar; awaiting Attorney General's Opinion on Amendment #1 (00662302) before further action is taken by the Judiciary Committee.  
HB 1120 (Haynes): 1 week; awaiting Attorney General's Opinion.

*All bills not otherwise noted are rolled for 1 week.*



**CIVIL PRACTICE & PROCEDURE  
SUBCOMMITTEE**

The **Civil Subcommittee** (Chairman Kelsey) met on Tuesday, April 21, 2009 with 69 bills on calendar. This list of 69 constitutes the FINAL CALENDAR.

\*\*\*NOTICE: The Judiciary Committee will meet again on Wednesday, April 29, 2009 to consider bills rolled from this week's calendar as well as to consider bills coming up from the two subcommittees. The subcommittees are meeting next week as well, but they are working off of their respective FINAL CALENDARS.\*\*\*

**Stays in the Subcommittee:**

HB 2243 (Lundberg).

**To the full Committee:**

None.

**Taken Off Notice:**

HB 1986 (Shipley).  
HB 0473 (Cobb C).  
HB 1812 (Pruitt).  
HB 0675 (Turner L).  
HB 0608 (Stewart).  
HB 1664 (Todd).

**Rolled:**

*All bills not otherwise noted are rolled for 1 week.*

**CRIMINAL PRACTICE & PROCEDURE  
SUBCOMMITTEE**

The **Criminal Subcommittee** (Chairman Watson) met on Wednesday, April 22, 2009 with 64 bills on calendar.



This list of 64 constitutes the FINAL CALENDAR.

\*\*\*NOTICE: The Judiciary Committee will meet again on Wednesday, April 29, 2009 to consider bills rolled from this week's calendar as well as to consider bills coming up from the two subcommittees. The subcommittees are meeting next week as well, but they are working off of their respective FINAL CALENDARS.\*\*\*



**To the full Committee:**

**HB 1454 (Coleman)** requires the district attorney general to complete a certificate of counsel that states that a copy of the uniform judgment document has been served on all parties.

**HB 0597 (Coleman)** requires the administrative office of the court to propose a realistic time within which post-conviction relief petitions in capital cases are finally disposed of if it is determined the one-year statutory time limit is not realistic.

**HB 2234 (Coleman)** expands the definition of severe child abuse to include exposing a child to the use or distribution of methamphetamines.

**HB 0714 (McCord)**, as introduced, increases from 10 days to 12 days time in which department must notify licensing state and commercial driver license information system that commercial driver has violated traffic law; increases from 10 days to 12 days time in which clerk must notify department of conviction of commercial driver violating traffic law. However, please note that Amendment #1 (00700396) completely rewrites the bill, and HB 0714, as amended, now deals with criminal trespass relative to railroads and utility right-of-ways.

**HB 1262 (Tindell)**, as amended, redefines the offense of child endangerment to be when a parent or custodian of a child eight years of age or less negligently exposes such child to or negligently fails to protect such child from abuse or neglect resulting in physical injury to the child and expands the definition of "serious bodily injury" for purposes of the offense of aggravated child abuse to include a broken bone of a child if the child was eight years of age or less at the time the offense occurred. Amendment #1 makes the bill.

**HB 1354 (Carr)** requires local governments and law enforcement to cooperate with federal officials on immigration status of any person in the state and prohibits local governments from enacting sanctuary policies toward immigrants. An amendment has been promised by the sponsor to delete (4) on page 3 of the bill.

**HB 0969 (McCord)**, as amended, requires that person losing right to vote because of a felony conviction must pay all fines and court costs imposed before right to vote is restored. Amendment #1 (00585873) exempts the indigent.

**HB 1814 (Harwell)** modifies certain statutory provisions pertaining to certain types of theft.

**HB 0484 (Harwell)**, as amended, adds to Class A misdemeanor of harassment communicating to a person under 18 and, without good cause, recklessly causing the person to be frightened or intimidated by the communication. Amendment #1 (00589071) is the same as Senate Judiciary Committee Amendment #1 (00589071); it clarifies that the crime in question is (A) either (a) to be with the "malicious intent to frighten, intimidate or cause emotional distress" or (b) to be made "[i]n a manner the defendant knows or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities", and (B) as a result of the communication, "the person is frightened, intimidated or emotionally distressed." Amendment #2 (00171195) is the same as Senate Judiciary Committee Amendment #2 (00171195); it changes "intent" to "malicious intent".

**HB 2376 (Shepard)**, as amended, modifies the methods for disposing of certain confiscated weapons. Amendment #1 (00704171) states, "Notwithstanding the provisions of this section, if the chief of police or the sheriff certifies to the court that any weapon is

inoperable or unsafe, the court shall order the weapon destroyed or recycled.”

**HB 0335 (Richardson)** adds as an advisory enhancement factor to sentencing that defendant intentionally chose victim of crime based on gender identity or expression.

**HB 1429 (Pitts)** redefines “serious bodily injury” to include a broken bone of a child who is eight years of age or younger.

**HB 1201 (Pitts)** redefines the offense of child endangerment to be when a parent or custodian of a child eight years of age or less knowingly exposes such child to or knowingly fails to protect such child from abuse or neglect resulting in physical injury to the child.

**Taken Off Notice:**

HB 2221 (Stewart).  
HB 0596 (Coleman).  
HB 0323 (Jones S).

**Failed:**

HB 1264 (Evans).

**Rolled:**

HB 0517 (Shaw): to next year; an amendment (00634033) is expected.

HB 1639 (Jones U): to next year.

HB 1645 (Jones U): to next year.

*All bills not otherwise noted are rolled for 1 week.*

## state & local government

Lawrence Hall, Jr.

### **THE FULL COMMITTEE**



**Chairman Todd**

This week in **State and Local Government full committee** there were 25 bills on the calendar for consideration. Ten bills were passed to Calendar and Rules and three were passed to Finance, Ways and Means. All other bills were rolled to later calendars.

*To Calendar and Rules:*

**HB 598 by Kelsey**

- Authorizes right of redemption within one year from the date of the recording of tax deed, rather than from date property was sold.

**HB 1437 by Harwell** - Limits circumstances in which restraints may be used on a pregnant prisoner or detainee.

**HB 1558 by Dean** - Authorizes the purchase of secondhand items by local governments as long as the general range of value of the item is documented through a listing in a recognized publication or through an appraisal and the price is no more than 10 percent of the documented range.

**HB 1769 by Cobb C.** - Extends the time by which the Tennessee Duck River development agency must deliver a written report for alternative source analysis to certain members of the general assembly.

**HB 1958 by Kernell** - Authorizes county conservation boards, upon majority vote of membership, to meet no less frequently than quarterly rather than monthly.

**HB 1659 by Armstrong** - Allows alcoholic beverages to be sold for on premises consumption in unincorporated areas of a county with a charter form of government that has held a countywide local option election approving liquor-by-the-drink.

**HJR 82 by Lynn** – Designates September 2009 as “American Indian Heritage Month.”

**HB 1421 by Todd** - This bill makes various revisions to the election laws including allowing a person to email a transfer of voter registration or email a request for an application to vote absentee.

**HB 2139 by Todd** - Codifies the generally accepted practice of municipal governing bodies to act by ordinance if the general law or charter requires the action to be by ordinance and definitely if the action levies a tax, makes a special assessment, is permanent in nature, or has a regulatory or penal effect.

**HB 1510 by Todd** - Provides that, during negotiations between representatives of public employee unions and representatives of state or local governmental entities, planning or strategy sessions of either set of representatives when meeting with the entity it represents are not open to the public.



*To Finance, Ways and Means:*

**HB 2216 by Gilmore** - Requires the department of environment and conservation to either work with Middle Tennessee State University and Tennessee State University in the study of solid waste management and fund such study or account for all unused funds within the department's budget.

**HB 1155 by Shepard** - Creates direct shipper license to be issued through the alcoholic beverage commission that would allow an in-state or out-of-state entity to ship wine directly to consumers age 21 years or older in this state for personal use.

**HB 2308 by Curtiss** - Requires offenders under the jurisdiction of the board of probation and parole who transfer residence to another state pursuant to the interstate compact for the supervision of adult offenders to pay to the board an application fee for the transfer; requires board to set the amount of the fee by rule.

## **STATE GOVERNMENT SUBCOMMITTEE**

This week in **State Government Subcommittee** the committee passed 10 of 32 bills to full committee. All other bills were rolled to later calendars. The subcommittee is scheduled to close on May 6, 2009.

*To the Full Committee:*

**HB 80 by Hawk** - Provides that Tennessee Corrections Institute cannot decertify an existing local jail facility solely because the square footage of the cells is too small if such square footage meets the requirements of the American Correctional Association's Manual of Correctional Standards.

**HB 1852 by Campfield** - Specifies that government operations committees are standing committees for all bills referred to them.

**HB 1193 by Rich** - Authorizes TEMA to establish and administer a grant program to assist in the partial reimbursement of installation costs for safe rooms and in-ground shelters.

**HJR 277 by Brooks H** - Reaffirms sister-state relation between Taiwan and the State of Tennessee and expresses support for Taiwan's efforts at joining in a free trade agreement with the United States and the World Health Organization.

**HB 1985 by Fitzhugh** - Requires that certain meetings of an audit committee abide by public notice and public meeting provisions; authorizes confidential meetings in certain circumstances; classifies certain audit-related documents as confidential.

**HB 1468 by Shepard** - Incorporates the use of green building design, sustainable infrastructure, and energy efficiency technologies into the powers authorities are authorized to exercise for redevelopment projects.

**HB 1630 by McCord** - Enacts the "Tennessee Environmental Protection and Recycling Act."

**HB 951 by Winningham** - Extends certain discretionary powers to the board of regents and the University of Tennessee when purchasing or acquiring software for use restricted solely to academic teaching or research.

**HB 1370 by Lollar** - Establishes TWRA as the exclusive agency to participate in the mining or recovery of lead deposited as the result of the discharge of a

firearm at shooting ranges on certain state property; state's share of any profits from such reclamation to be earmarked for scholastic clay target programs.

**HJR 286 by Ford** - Designates the outdoor production of Sycamore Shoals State Historic Area, currently known as "Liberty!" as the Official Outdoor Drama of the State of Tennessee.

### **LOCAL GOVERNMENT SUBCOMMITTEE**

Twenty-nine bills were listed on the calendar for Local Government Subcommittee this week. Only four bills were passed to full committee. All other bills will be considered on later dates. Local Government Subcommittee is scheduled to close on May 6, 2009.

*To the Full Committee:*

**HB 2387 by Brooks K** - Requires any action by the legislative body to be by ordinance if required by the general law or the charter to be by ordinance, and if the action levies a tax, makes a special assessment, is permanent in nature, or has a regulatory or penal effect.

**HB 1160 by Fraley** - Allows person to transport alcoholic beverages into a dry county in excess of any quantity limitations if such person is using such alcoholic beverages in the manufacture of baked goods; requires purchase of alcoholic beverages from licensed retailers.

**HB 1583 by Fraley** - Clarifies that "sale" does not include transactions involving alcoholic beverages for which no payment is expected or received.

**HB 1347 by Pruitt** - Enacts the "Convention Center Authorities Act of 2009"; revises certain provisions concerning financing and development of convention centers affecting Davidson County.

### **ELECTIONS SUBCOMMITTEE**

This week in Elections Subcommittee there were seven bills on the calendar. Two bills passed to full committee. This was the final calendar for Elections Subcommittee.

*To the Full Committee:*

**HB 1857 by Miller L** - Clarifies that counties using computerized voting machines are allowed to use ballot-on-demand technology for either early voting, election day voting, or both; requires coordinator of elections to promulgate rules for use of ballot-on-demand technology, including security of machines.

**HB 1841 by Niceley** - Urges the state executive committees of each statewide political party to jointly establish a calendar of appearances in each county enabling their respective gubernatorial candidates to appear together during the time between the primary and general elections.





## THE FULL COMMITTEE

The **House Transportation Committee** convened April 21, 2009. There were 4 bills on the calendar.

**HB 1376 (Hill)** was rolled two weeks.

**HB 706 (Dean)** was taken off notice.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**:

**HB 669 (Hackworth)** – As amended, requires that a person, who did not have vehicle insurance when he received a citation for lack of vehicle insurance, cannot subsequently have the citation dismissed by a court.

**HB 1263 (Sontany)** – As amended, makes various changes to the make-up and powers regarding regional transportation authorities. The bill revises the way RTAs are formed and revises the membership of an RTA's governing board. The bill also grants additional powers to an RTA, including taxing and bonding authority, which would be subject to local and referendum approval.



## RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** met April 21, 2009 to consider seven bills.

**HB 1165 (K. Brooks)** was taken off notice.

**HB 2230 (Fitzhugh)** and **HB2326 (McDonald)** were rolled for one week.

**HB 1313 (Harmon)** was rolled to the first calendar of 2010.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

**HB 467 (Mumpower)** – “SP4 Arthur Wayne Glover Memorial Bridge” highway signs for a bridge on S.R. 44 in Sullivan County.

**HB 2186 (Sargent)** – Creates the Tennessee Transportation State Infrastructure Fund in the Tennessee Local Development Agency to make loans to local governments or public transportation agencies for transportation projects. The fund will be comprised of funds from the Tennessee State Infrastructure Bank and stimulus money that is allocated to Tennessee that other states were not able to use.

## PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met April 21, 2009 to consider fifteen bills.

**HB 293 (Carr)**, **HB 1429 (Niceley)**, **HB 1202 (McCord)** and **HB 930 (Kernell)** were rolled for one week.

**HB 1265 (Faulkner)**, **HB 1638 (U. Jones)** and **HB 1819 (Fitzhugh)** were taken off notice.

**HB 404 (Lollar)** was referred to summer study.

**HB 331 (S. Jones)** and **HB 1599 (Swafford)** failed for the lack of a motion.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

**HB 968 (McCord)** – Allows a municipality with a population under 10,000 to enforce, without restriction, traffic laws on all types of highways located within the municipality if it is: 1) located in an urban area, 2) has been accredited by the Commission of Accreditation of Law Enforcement Agencies and 3) is located in a county which has a metropolitan airport, and the airport is

established for a municipality that is not located in that county.

**HB 1310 (Harmon)** – Authorizes issuance of cultural license plates for teachers.

**HJR 285 (Dean)** – Urges extension of deadlines for all phases of states' implementation of REAL ID Act of 2005 for at least an additional two years or repeal of Act in its entirety.

**HB 2037 (Sargent)** – Requires law enforcement officers to obtain proof of compliance with financial responsibility laws upon charging a person with a non-moving motor vehicle violation.

**HB 1122 (Maggart)** – Provides a mechanism for an airport authority or regional airport authority to be dissolved.

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